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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN JEROMY CARRIERE, KELLY JAMES SLOUGH, and
STEVEN GREGORY WOODS

Appeal 2010-002917
Application 09/531,743
Technology Center 3600

Before: MURRIEL E. CRAWFORD, HUBERT C. LORIN, and ANTON W. FETTING, *Administrative Patent Judges.*

CRAWFORD, *Administrative Patent Judge.*

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

This is an appeal from the final rejection of claims 28-30 and 33-35. We have jurisdiction to review the case under 35 U.S.C. §§ 134 and 6 (2002).

The claimed invention is generally directed to systems and methods for funneling user responses in an Internet voice portal system as to determine a desired item for service (Spec. 1:1-4). Claim 28, reproduced below, is further illustrative of the claimed subject matter.

28. A method of operating an interactive user operated Internet voice portal having established multiple predetermined vertical domains of interest and a hierarchy of attributes within each vertical domain of interest from top to bottom, the method comprising operations of:

responsive to a user placing a telephone call to the voice portal, identifying the user and obtaining user selection of a vertical domain of interest;

performing funneling operations comprising:

(a) building a vocabulary set containing top-level attribute values appropriate to the selected vertical domain of interest;

(b) querying the user to choose a top-level attribute value, applying speech recognition to user responses where recognized answers are limited to contents of the vocabulary set;

(c) until a bottom level attribute value is chosen, repeatedly performing operations comprising: (1) building an updated vocabulary set containing attribute values appropriate to the latest chosen attribute value, and (2) querying the user to choose a next-lower-level attribute value and applying speech recognition to user responses where recognized answers are limited to contents of the updated vocabulary set;

responsive to a bottom level attribute being chosen, conducting an Internet search of HTML non-voice sources for prescribed types of information pertaining to the chosen

bottom-level attribute value and, unassisted by voice extensions and enhancements to said HTML, audibly providing resultant information to the user via the telephone call.

Claim 28 stands rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement; claim 28 stands rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness; and claims 28-30 and 33-35 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Krane (US Pat. 5,799,063, iss. Aug. 25, 1998) in view of Uppaluru (US Pat. 6,400,806 B1, iss. Jun. 4, 2002).

We AFFIRM-IN-PART.

ISSUES

Did the Examiner err in asserting that “unassisted by voice extensions and enhancements to said HTML,” as recited in independent claim 28, does not comply with the written description requirement of 35 U.S.C. § 112, first paragraph, or the definiteness requirement of 35 U.S.C. § 112, second paragraph?

Did the Examiner err in asserting that a combination of Krane and Uppaluru renders obvious “conducting an Internet search of HTML non-voice sources for prescribed types of information pertaining to the chosen bottom-level attribute value and, unassisted by voice extensions and enhancements to said HTML, audibly providing resultant information to the user via the telephone call,” as recited in independent claim 28?

Did the Examiner err in asserting that a combination of Krane and Uppaluru renders obvious “applying one or more text patterns to a web page to identify said information and extract it; applying a plurality of rules to

said information to construct grammatical sentences from said information,” as recited in independent claim 33?

FINDINGS OF FACT

We agree with the Appellants’ statements on pages 14 to 22 of the Appeal Brief concerning the application of Uppaluru as it relates to claim 28 and adopt the same as our findings of fact.

We adopt the Examiner’s findings of fact concerning the application of Uppaluru to the subject matter of independent claim 33, as set forth on pages 11-12 of the Examiner’s Answer.

Specification

The Specification discloses the following HTML code:

```
<html>
<title> Programming Perl </title>
written by <b> Larry Wall </b>
</html>

<html>
<title> Learning Perl (<b> 2nd edition </b>)</title>
written by <b>Randal Schwartz</b>
</html>
```

(27:23 to 28:1).

ANALYSIS

Written Description and Indefiniteness

We are persuaded the Examiner erred in asserting that “unassisted by voice extensions and enhancements to said HTML,” as recited in

independent claim 28, does not comply with the written description requirement of 35 U.S.C. § 112, first paragraph, or the definiteness requirement of 35 U.S.C. § 112, second paragraph (App. Br. 9-11; Reply Br. 4-8). Pages 27-28 of the Specification provide an example of HTML code that is audibly rendered “unassisted by voice extensions and enhancements.” We believe this provides sufficient written description support for the aforementioned aspect of independent claim 28.

For the same reasons, we also do not sustain the indefiniteness rejection under 35 U.S.C. § 112, second paragraph.

Independent Claim 28

We are persuaded the Examiner erred in finding that a combination of Krane and Uppaluru renders obvious “conducting an Internet search of HTML non-voice sources for prescribed types of information pertaining to the chosen bottom-level attribute value and, unassisted by voice extensions and enhancements to said HTML, audibly providing resultant information to the user via the telephone call,” as recited in independent claim 28 (App. Br. 14-22; Reply Br. 9-11). The portions of Uppaluru cited by the Examiner specifically recite that the web pages include voice extensions. For example, column 2, lines 31-34 recite “[t]he invention features a set of web pages containing information (components) formatted using MIME and hypertext markup language (HTML) standards *with extensions for voice information access and navigation*” (emphasis added). In another example, column 5, lines 9-10 disclose that “voice web page 103 is web page specified using a navigable markup language that *includes voice extensions*” (emphasis added). *See also*, Uppaluru, col. 5, ll. 46-49; col. 7, ll. 19-23. Uppaluru then

makes extensive reference to these voice web pages, which, as set forth above in column 5, lines 9-10, include voice extensions.

Accordingly, because Uppaluru does not disclose HTML pages “unassisted by voice extensions and enhancements to said HTML,” we cannot sustain this rejection.

Independent Claim 33

We are not persuaded the Examiner erred in asserting that a combination of Krane and Uppaluru renders obvious “applying one or more text patterns to a web page to identify said information and extract it; applying a plurality of rules to said information to construct grammatical sentences from said information,” as recited in independent claim 33 (App. Br. 22-24; Reply Br. 13-14). Appellants assert that the speaker dependent voice patterns of Uppaluru do not correspond to the recited text patterns (Reply Br. 13). However, Uppaluru discloses that

[t]hese preferences are components within the personal profile pages and are easily available to the voice web system for dynamic retrieval. For example, if the user requests his/her stock portfolio from the voice web, it first retrieves the user's preferred portfolio of companies from her/her profile, and applies this list to limit the search on stock quotes from all companies.

(Col. 3, ll. 59-65). Accordingly, the system of Uppaluru applies the speaker dependent voice pattern to the personal profile page to identify stock portfolio information and extract it.

Appellants also assert that the “text to speech” conversion of e-mails in Uppaluru does not produce grammatically correct sentences (App. Br. 22-24; Reply Br. 13-14). However, the term “correct” is not set forth in the

claim, as independent claim 33 only recites “grammatical sentences.” *See CollegeNet, Inc. v. ApplyYourself, Inc.*, 418 F.3d 1225, 1231 (Fed. Cir. 2005) (while the specification can be examined for proper context of a claim term, limitations from the specification will not be imported into the claims). Accordingly, the word-for-word “text to speech” conversion of e-mails set forth in column 12, lines 3-5 of Uppaluru, even if they are not grammatically correct, does meet the broadest reasonable construction of “grammatical sentence.” *See In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (“[d]uring examination [of a patent application, a pending claim is] given [the] broadest reasonable [construction] consistent with the specification, and . . . claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art”) (internal citation and quotations omitted).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

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